IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 166 OF 2006

IN

SUMMARY SUIT NO. 167 OF 2006

KALI MULLAH KHAN S/O JAIFULA KHAN .. PLAINTIFF

V/S

M/S. SANA EXPORTS & IMPORTS .. DEFENDANTS

R.R. AROLKAR FOR PLAINTIFF.

S.P. KANUGA FOR DEFENDANTS.

CORAM: D.K. DESHMUKH,J.

DATE : 21ST AUGUST,2006.

P.C.

By consent of the parties, summons for judgment is disposed of in following terms :-

(i) Defendants shall without prejudice to his rights and contentions deposit Rs. 3,00,000/- in this court, with due intimation to the plaintiff. Defendants shall deposit Rs. 1,00,000/- within a period of 8 weeks from today and further amount of Rs. 2,00,000/- within a period of 8 weeks from the date of the deposit of first amount.

(ii) If the amount is so deposited, this summons for judgment shall stand disposed of and leave to defend shall stand granted to the

Defendants.

(iii) In that event the Defendants shall be entitled to file written statement. Written statement to be filed by the defendants within a period of eight weeks from the date of last deposit.

(iv) In case the amount is deposited by the Defendants, the Plaintiff shall be permitted to withdraw the amount on furnishing the bank guarantee to the satisfaction of the Prothonotary & Sr. Master and filing an undertaking to redeposit the amount, if so directed by this Court and on such terms and conditions as may be directed by this Court, and further undertaking that in the event of redeposit the rate of interest shall not be less than 12% p.m.

(v) In case the amount is not so deposited summons for judgment shall stand granted and the suit of the plaintiff shall stand decreed against the defendants in terms of prayer clauses (a), (b) and (c). In that event, the plaintiff would be entitled to refund of court fees as per rules.

(vi) Summons for judgment stands disposed of.

(D.K. DESHMUKH, J.)